

Remarks:

1. Claims 1, 2, and 5 – 17 were pending at the time of examination. Examiner rejected claims 1, 2, 5, 6, 16, and 17, and withdrew claims 7 – 15 from examination. Applicant appreciates Examiner's careful review of the present application and requests consideration and approval of the amended claims and arguments presented below.

2. **Amendments to Claims:** Claim 1 was amended to correct the problem of indefiniteness and to include the limitations of originally filed Claim 4 (or previously filed Claim 16), in which the hold-down ends are anchored near but not on the ends of the arch, and of a lower portion of the cover that is bunchable up between the arch and the hold-down, whereby the cover is not affixed to the arch and the lower portion is bunchable without having to manipulate said hold-down. This amendment does not require additional search by Examiner, as its subject matter was included in previously filed claims 4 and 6. Claims 6 and 17 were amended for reasons of syntax and claim language conventions. Claims 7 – 16 were cancelled. No new subject matter was introduced with any of these amendments and Applicant requests approval and entry of these claims.

3. **Rejection under 35 USC § 112:** Amended claim 1 particularly recites "wherein said cover is not affixed to said hold-down," thereby eliminating indefiniteness. Applicant requests that Examiner withdraw this rejection of claim 1.

4. **Rejection under 35 U.S.C. § 102(b):** Examiner rejected claims 1, 2 and 16 as being anticipated by Hammond, U.S. Patent 4,442,626. Hammond discloses a cloche comprising an arch and a hold down that is a wire, with a tension loop at its end. The wire fits snugly in the groove in the arch and holds the cover in place. The hold-down itself is anchored to the arch (an end of the hold-down is inserted into an aperture in the arch or otherwise attached to a lug that is formed on the arch). Hammond, col. 2, lines 27 – 54.

5. Amended Claim 1 as currently presented claims a hold-down that is anchored a distance away from the arch, as shown in FIG. 4. This allows the cover to be bunched

up between the arch and the hold-down, without having to (unfasten and refasten) the hold-down. Applicant respectfully submits that amended Claim 1 is clearly distinguishable from Hammond and therefore requests that Examiner withdraw her rejection of Claim 1 and 2.

6. Examiner rejected Claims 1 and 2 as being anticipated by Olshansky, U.S. Patent 2,889,664. Olshansky does not disclose a cover with a lower portion that is bunchable up between an arch and a hold down. Indeed, Olshansky does not have hold-downs that extend over the cover on the arch to hold the cover to the arch. The hold-downs of Olshansky are hooks (22) that are used to separate strips of the cover at the top of the protective device.

7. Olshansky does not disclose each element recited in Claim 1 and, thus, does not anticipate either Claim 1 or its dependent Claim 2. Applicant respectfully requests that Examiner withdraw this rejection of Claims 1 and 2.

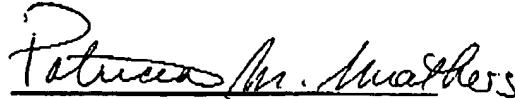
8. **35 U.S.C. § 103(a) Rejection:** Examiner rejected claims 6 and 17 as being unpatentable over Hammond. Claim 17 has been cancelled. Claim 6 recited a cover having a base shield and a plurality of ventilation panels. The ventilation panel is shown as "20" in FIG. 6 and discussed in paragraph [0023] of the Specification as originally filed. Hammond does not disclose a cover having a ventilation panel, much less a plurality of ventilation panels. Applicant accordingly submits that Hammond does not teach, suggest, or motivate one skilled in the art to use a compound cover that includes a base shield and a ventilation panel. Applicant submits that Hammond does not render claim 6 obvious and requests that Examiner withdraw this rejection.

9. Applicant has amended Claims 1, 6, and 17, cancelled claims 7 – 16, and successfully traversed each rejection raised by Examiner, and now submits that the claims of the present invention, as currently submitted, contain allowable subject matter. Applicant respectfully requests allowance of claims 1, 2, 5, 6, and 7.

10. The paper is being filed within the fourth month of the Office Action. A petition for

a one-month extension of time and authorization for payment of the appropriate late fee is enclosed.

Respectfully submitted,



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Enclosed:

Petition for Time Extension